

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUCLIDES PICHARDO,

Plaintiff,

-v.-

PONCE ISIDRO and DE LA CRUZ
XPRESS LLC,

Defendants.

24 Civ. 1480 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On May 28, 2024, after several attempts to wrangle the parties, the Court ordered the parties to show cause as to why this case should not be dismissed for failure to prosecute and failure to comply with Court orders. (Dkt. #9). Subsequently, counsel for Plaintiff filed a Notice of Appearance. (Dkt. #10). Although counsel for Plaintiff did not appear for several months, the Court ultimately accepted counsel's good faith representations regarding this delay. (Dkt. #12). Then, after Plaintiff filed a letter motion requesting a pre-motion conference (Dkt. #13), and Defendant responded (Dkt. #14), the Court held a pre-motion conference on September 24, 2024. At this conference, the parties were ordered to inform the Court of the next steps in this case, either within one week if the parties wanted to continue motion practice, or two weeks with a proposed case management plan. On October 9, 2024, the Court reached out to the parties but received no response. On October 16, 2024, the Court reached out to the parties again. On this occasion, the Court informed the parties that, should they continue not to respond to inquiries from the Court, the Court would issue *another* order to

show cause as to why this case should not be dismissed for failure to prosecute and failure to comply with Court orders. On October 17, 2024, counsel for Plaintiff replied indicating that, due to the holidays, the attorney working on this matter had not been available. On October 22, 2024, the parties submitted a proposed case management plan. (Dkt. #17). The proposed case management plan indicates that the parties consent to conducting all further proceedings before a United States Magistrate Judge. (*Id.*). However, the parties filled out most of the rest of the form and did not submit—as required—a fully executed SDNY Form Consenting to Proceed for All Purposes Before a Magistrate Judge. To determine if this was done in error, on October 23, 2024, the Court reached out to the parties. Receiving no reply, the Court reached out again on October 25, 2024. To date, the Court has received no reply.

The Court finds this pattern of disregard for its orders and inquiries disturbing. The parties are hereby ORDERED to file a revised case management plan, or to submit the consent form, on or before **November 4, 2024**. Should the parties fail to do so, the Court will issue another order to show cause as to why the case should not be dismissed for failure to prosecute and failure to comply with Court orders.

SO ORDERED.

Dated: October 30, 2024
New York, New York



KATHERINE POLK FAILLA
United States District Judge